

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

FILED
U.S. DISTRICT COURT
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2002 FEB 20 12:21

February 20, 2002

Memo To Counsel Re: Gregory Carson, et al. v. Giant Food, Inc., et al.
Civil No. JFM-96-2882

Dear Counsel:

I have reviewed the papers submitted in connection with plaintiff's motion for sanctions against Giant for Giant's failure to provide complete information during discovery.

I have concluded that Giant should reimburse Plaintiffs in the amount of \$25,000. In making this ruling, I am not finding that Giant failed to act in good faith by initially submitting incorrect data. Nevertheless, it seems to me that a cost shifting is appropriate since it is clear that Plaintiffs were put to additional expense by Giant's mistake. The record establishes that an additional \$8,000 was spent on Dr. Zellner's first report that would not have been incurred if Giant initially submitted the correct data. Likewise, a second report would have been unnecessary. However, since the production of full and complete data by Giant in the first instance presumably would have increased to some extent the cost of the first report, I am deducting \$2,364.00 from the \$19,364.00 claimed by plaintiffs for preparing the second report.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,



J. Frederick Motz
United States District Judge

cc: Court File

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